

CALIFORNIA COASTAL COMMISSION

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Staff: ALB-LB
Staff Report: May 23, 2002
Hearing Date: June 11-14, 2002
Commission Action: Denied

Item Tu 14a

STAFF REPORT: REVISED FINDINGS

APPLICATION NUMBER: 5-00-449

APPLICANT: Lido Isle Community Association

AGENT: Haulin Hsu-Wingard, Urban Arena

PROJECT LOCATION: Intersection of Via Antibes and Via Lido Soud, Newport Beach, Orange County

PROJECT DESCRIPTION: Improvements to the Lido Isle entryway, including construction of a new street median, a new traffic island, a new public park, revised parking configuration and associated landscape and hardscape improvements.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept No. 1951-2000 dated August 1, 2000.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-00-157 (Lido Isle Community Association), 5-99-452 (City of Newport Beach) and 5-82-218 (Lido Isle Community Association).

DATE OF COMMISSION ACTION: March 12, 2001

COMMISSIONERS ON PREVAILING SIDE: Commissioners Desser, Dettloff, Estolano, Hart, McClain-Hill, McCoy, Orr, Weinstein, Rose, Woolley and Chairman Wan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action of March 12, 2001 denying the proposed circulation and aesthetic improvements to the entryway onto Lido Isle in Newport Beach. The major issues of the staff report include public access; traffic, circulation and parking; and scenic resources. Primarily, the Commission found that the proposed entryway improvements would pose a deterrent to public access onto the island and would be inconsistent with community character.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following motion and resolution:

MOTION: ***"I move that the Commission adopt the revised findings in support of the Commission's action of March 12, 2001 in denying Coastal Development Permit 5-00-449."***

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the March 12, 2001 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing site of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below concerning application #5-00-449 on the ground that the findings support the Commission's decision made on March 12, 2001, and accurately reflect the reasons for it.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Location, Description and Background

Project Location

The subject site is the Lido Isle entryway, located at the intersection of Via Antibes and Via Lido Soud in the City of Newport Beach. The residential island is connected to the Balboa Peninsula via the Lido Isle Bridge. The site is located between the sea and first public roadway paralleling the sea (Exhibits 1 and 2).

Project Description

The project involves various improvements to the Lido Isle entryway, including the construction of a new street median; a new traffic island; a new public park with gazebo, fountain and benches; a new parking lot created through the closure of a travel lane; and associated landscape and hardscape improvements (Exhibit 3). The project also involves the placement of interlocking pavers around the proposed traffic roundabout and the installation of an open 6' high lattice fence in the existing planting area surrounding the roundabout. The fence will be an intermittent decorative feature, allowing pedestrian access to the park beyond. The project will provide 14 on-street parking spaces and thirteen (13) off-street parking spaces in the newly created lot, for a total of twenty-seven (27) spaces. At present, there are twenty-four (24) on-street parking spaces (Exhibit 4). Although the project will result in a loss of on-street parking, there will be a net gain of three (3) parking spaces through creation of the off-street parking lot. The applicant has indicated that the purpose of the project is to improve traffic circulation and to beautify the island entrance.

Standard of Review

The Newport Beach Land Use Plan (LUP) was effectively certified by the Coastal Commission on May 19, 1982. Until such time as an Implementation Plan (IP) is certified, the Commission retains permit issuance jurisdiction for this area. The Coastal Act is applied as the standard of review in the current analysis, while the City's LUP is used as guidance.

B. Public Access and Recreation

Section 30210 states, in pertinent part:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states, in pertinent part:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The City's certified LUP Public Access Policy 4, states,

Public access in coastal areas shall be maximized consistent with the protection of natural resources, public safety, and private property rights.

The proposed development, which occurs between the nearest public road and the sea, includes the construction of traffic improvements and aesthetic modifications to the Lido Isle entryway. Lido Isle is a residential island located within the northern portion of Newport Harbor. The streets are publicly owned. The Homeowners Association (HOA), known as the Lido Isle Community Association, manages the common areas of the island, such as recreational facilities and landscaping.

No public visitor-serving commercial or recreational development exists on Lido Isle. Nonetheless, the island presents opportunities for both visual and physical public access to the water via various street ends open areas. The public may traverse private community-maintained pocket parks via 4' wide public access easements in order to reach the water's edge (Exhibit 5). Pursuant to CDP 5-82-218, signage is required to inform visitors that vertical public access is allowed through each of these parks. Recently, the Lido Isle Community Association submitted a signage plan in conformance with the requirements of that permit. Existing signage, which suggests the parks are entirely private, will be replaced with the sign example shown in Exhibit 6.

Public access also exists along the Lido Isle Bridge, which connects Lido Isle to the Balboa Peninsula and to the Lido Village area of Newport Beach. Since the proposed project involves improvements to existing public streets within a residential neighborhood, neither the existing access situation nor the intensity of use of the site will be formally changed. However, the proposed development involves the erection of monuments and signage that have the potential to impact existing public access and recreation in the area by potentially discouraging the general public from entering Lido Isle.

Placement and Design of Signage and Monuments

As described previously, the Lido Isle HOA is proposing improvements to the entryway of an island used solely for residential use. The applicant submitted plans with "monuments" proposed at two (2) locations—a "Focal Point Monument" at the center of the proposed traffic island and a "Lido Isle Entry Monument" at the entrance to the Lido Isle Bridge (Exhibit 3).

Preliminary elevation drawings of the “Focal Point Monument” showed an approximately 30’ high Cape Code-style lighthouse with Lido Isle identification signage and a community events board. Members of the public have expressed concern regarding the potential “guard house” appearance of the proposed structure. As architectural features and signage can affect the public’s perception of access opportunities at a location—particularly a residential island with no perceived visitor-serving development—the design of any proposed monuments and/or signage at the Lido Isle entryway is significant. Imposing, monumental scale architectural features may give the appearance of privatization and deter members of the public from entering the island. The applicant states that the monument at the center of the traffic roundabout was never intended to function as a “guard house” or give the appearance of a “guard house.” Nevertheless, the applicant states that the “Focal Point Monument” will be removed from the proposed project design due to traffic engineering concerns. (Traffic, Circulation and Parking will be discussed further in Section C).

Although the 30’ high monument has been removed through a written modification to the project description, revised project plans have not yet been submitted. The applicant has indicated that a scaled down sign and possibly a flagpole may be proposed in its place. Likewise, the applicant has not yet submitted elevation drawings of the “Lido Isle Entry Monument.” As such, Commission staff has not had the opportunity to review such signage as part of the current application. The “Entry Monument” has been described as a low-level (approximately 3’-4’ high) identification sign saying “Lido Isle.” According to the applicant, this signage was recommended by City staff to orient drivers crossing the Lido Isle Bridge from the Balboa Peninsula. Although identification is important, there are various signage alternatives that could be implemented that would clearly inform visitors that the island is open to the public. The proposed project does not include signage that would welcome the general public onto Lido Isle.

The proposed entryway improvement project will discourage public access to and throughout Lido Isle by creating the atmosphere of a private community. The proposed project includes imposing and restrictive appearing architectural features, such as a monument and fencing. Members of the general public will not feel welcome when approaching the entrance to the island. In addition, the proposed project does not include signage that clearly states that the public may enter and travel freely throughout the island. As such, the proposed project is found inconsistent with Section 30210 of the Coastal Act. Therefore, the Commission denies the proposed project.

C. Traffic, Circulation and Parking

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

LUP Circulation Policy 15 states, in pertinent part:

Commercial, recreation or destination visitor serving facilities in and around the harbor shall be controlled and regulated to minimize traffic congestion and parking shortages, to ensure access to the water for residents and visitors, as well as maintain the high quality of life and the unique and beautiful residential areas that border the harbor.

As described previously, the applicant is proposing modifications to the current traffic pattern at the Lido Isle entryway. A major component of the plan involves the installation of a traffic roundabout and the closure of an existing travel lane (Exhibit 3). The applicant has submitted a report prepared by Linscott, Law & Greenspan entitled *Existing Traffic Conditions Summary and Preliminary Design Review for the Lido Isle Entry Improvement Project*. The report summarizes existing traffic patterns and analyzes the proposed project, including the creation of a new traffic island, or traffic roundabout. As described in the report, *"roundabouts are typically associated with a menu of 'traffic calming' techniques, which have the objectives of addressing traffic issues while improving aesthetics and neighborhood quality of life."*

According to the applicant, the consultants have indicated that the proposed project will improve traffic flow and create a safer intersection. Their preliminary project analysis concludes that the proposed project is feasible with minor refinement of the current project plan. Refinements include elimination of the "Focal Point Monument" due to the need for clear visibility through the central traffic island. The applicant has stated that a *"simple sign that says 'Lido Isle' on a low stone wall and landscaping and a possible flagpole will most likely be installed instead."* According to the applicant, the placement of a low-level (approximately 3'-4') sign will not obstruct a driver's line of sight, thereby eliminating a potential hazard at this location.

Additional modifications include the use of the yield on entry, rather than the stop at entry concept. The yield on entry concept is considered by the consultant to be more conducive to smooth traffic flow within a roundabout. The consultant also recommends that "splitter islands," or dividers (concrete curb-like features) be installed along Via Antibes to better align traffic into the roundabout. Lastly, the consultant has modified the shape of the traffic roundabout from oval to round and has recommended an enlargement from its current 35' width. City Public Works Department staff has reviewed the proposed improvements with the applicant and their traffic engineer and made minor, "fine tuning" revisions to the design. Since the proposed improvements will occur in a public right of way, final City approval must be granted through an encroachment agreement.

The applicant has not submitted plans that are reflective of the recommendations made by the consulting traffic engineers. Consequently, staff was not able to review final project plans. In addition, although the consulting traffic engineer states that the project (as modified by their recommendations) will result in increased traffic flow and safer conditions at the entryway, the applicant has not presented adequate evidence that the current situation is unsafe or congested. The applicant has not proven the existence of significant traffic problems, such as increased accidents or traffic violations, at the subject site. In addition, concerns have been raised about the feasibility of a roundabout at the proposed location. Roundabouts are an uncommon circulation device in coastal Orange County. As such, their effectiveness has not been proven in similar situations. Without the benefit of additional traffic data, the proposed project is viewed as primarily an aesthetic improvement, rather than a traffic-calming device.

The project will provide 14 on-street parking spaces and thirteen (13) off-street parking spaces in the newly created lot, for a total of twenty-seven (27) spaces. At present, there are twenty-four (24) on-street parking spaces (Exhibit 4). Although the project will result in a loss of on-street parking, there will be a net gain of three (3) parking spaces through creation of the off-street

parking lot. However, the parking lot will not be immediately visible when entering the island. Instead the lot will be located directly adjacent to residential development and screened by vegetation. Tenants of the residential units will most likely take advantage of the newly created off-street parking. As such, visitors to the island will not be aware that they can park their vehicles within the lot while visiting the nearby street end beaches.

The Commission finds that the proposed project will not “*minimize traffic congestion and parking shortages to ensure access to the water for residents and visitors*,” as required by the certified LUP. Additionally, the project does not provide “*adequate parking facilities*” that are obviously available to the public. As such, the project is found inconsistent with Section 30252 of the Coastal Act.

D. Scenic and Visual Resources

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Public views of Newport Bay exist along the bridge leading to Lido Isle, as well as from various street ends in the vicinity such as the end of 32nd Street, which is across the project site on the other side of the West Lido Channel. The proposed project will be visible from these vantage points available to the public. The proposed project involves the creation of a public park and the placement of hardscape, landscaping, fencing, and a landscaped traffic roundabout.

Lido Isle is a residential island with no visitor-serving recreational or commercial facilities. Public views of the ocean are only available from public roadways, such as the Lido Isle Bridge and various street ends. The installation of the proposed landscape and hardscape improvements will not affect existing public views to or along the shoreline. However, the placement of a focal point monument or flagpole on the inner portion of the roundabout will partially obstruct views of the water from public vantage points.

In addition, the proposed aesthetic features and traffic reconfiguration will be inconsistent with the scale and character of the surrounding neighborhood. Lido Isle is a small-scale residential community with an expansive entryway. Presently, the entryway consists of a wide two-way road divided by a landscaped median with a low-level identification and community events sign. The proposed traffic modifications, including the street closure and roundabout creation, will alter the experience that visitors and residents encounter as they enter the island. The proposed project will create restricted traffic lanes that will direct drivers into the roundabout. The proposed fencing, monument and landscaping along the eastern end of the roundabout will eliminate the elongated view down Via Antibes, thereby discouraging the visitor to travel in that direction. The proposed improvements will formalize the existing entryway in a manner inconsistent with the character of the surrounding area.

Therefore, the Commission finds the proposed development to be inconsistent with Section 30251 of the Coastal Act. Denial of the proposed project will preserve existing scenic resources and will be consistent with preserving the existing community character of a small-scale residential neighborhood.

E. Land Use Plan

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a local coastal program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The proposed development is inconsistent with the policies of the certified Land Use Plan, including Policy 4 of the Public Access Section and Policy 15 of the Circulation Section. Therefore, the Commission finds that denial of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project is located within an urbanized area. Development exists on and around the subject site. However, the project, as proposed, is not in keeping with the character of the surrounding community and would adversely affect scenic resources in the subject area. In addition, the project will deter public access onto the island. Feasible alternatives or feasible mitigation measures are known which would substantially lessen any identified significant effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project is inconsistent with CEQA.